

Coast Guard, DOT

§ 175.17

(e) Seaplanes on the water.

[CGD 72-120R, 38 FR 8115, Mar. 28, 1973, as amended by CGD 92-045, 58 FR 41607, Aug. 4, 1993]

§ 175.3 Definitions.

As used in this part:

Boat means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

Passenger means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The operator;

(3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

Racing shell, rowing scull, racing canoe, and racing kayak means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

Recreational vessel means any vessel being manufactured or operated primarily for pleasure; or leased, rented, or chartered to another for the latter's pleasure. It does not include a vessel engaged in the carrying of six or fewer passengers.

Sailboard means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays.

Use means operate, navigate, or employ.

Vessel includes every description of watercraft used or capable of being used as a means of transportation on the water.

[CGD 92-045, 58 FR 41607, Aug. 4, 1993]

§ 175.5 Exemption from preemption.

The States are exempted from preemption by Federal regulations when establishing, continuing in effect, or enforcing State laws and regulations on the wearing or the carriage of personal flotation devices directly related to the following subject areas within the jurisdictional boundaries of the State:

- (a) Children on board any vessel;
- (b) Operating a canoe or kayak;
- (c) Operating a sailboard; and
- (d) Operating a personal watercraft.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

Subpart B—Personal Flotation Devices

§ 175.11 Applicability.

This subpart applies to all recreational vessels that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

§ 175.13 Definitions.

As used in this subpart:

(a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR Part 160.

(b) "PFD" means "personal flotation device".

§ 175.15 Personal flotation devices required.

Except as provided in § 175.17:

(a) No person may use a recreational vessel unless at least one PFD of the following types is on board for each person:

- (1) Type I PFD;
- (2) Type II PFD; or
- (3) Type III PFD.

(b) No person may use a recreational vessel 16 feet or more in length unless one Type IV PFD is on board in addition to the total number of PFD's required in paragraph (a) of this section.

[CGD 81-023, 55 FR 32034, Aug. 6, 1990, as amended by CGD 92-045, 58 FR 41608, Aug. 4, 1993]

§ 175.17 Exemptions.

(a) A Type V PFD may be carried in lieu of any PFD required under § 175.15, provided: